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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

JUL 22 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Supplemental Showings in Connection)
with Pending Ameritech, Bell Atlantic,)
BellSouth, Nynex and U S West Petitions)
for Forbearance from Application of)
Section 272 of the Act to Previously)
Authorized Services)

CC Docket No. 96-149

COMMENTS OF MCI TELECOMMUNICATIONS CORPORATION
ON SUPPLEMENTAL FILINGS BY AMERITECH, BELL ATLANTIC, BELL SOUTH,
NYNEX AND U S WEST PETITIONS FOR FORBEARANCE

Pursuant to the Public Notice released in this docket on July 3, 1997,¹ MCI Telecommunications Corporation (MCI), by its undersigned attorneys, hereby submits these comments on the supplemental showings filed by Ameritech, Bell Atlantic, BellSouth, Nynex and U S West in support of their respective petitions for forbearance previously filed in this docket. As explained in MCI's previous filings, application of the Section 272 nondiscrimination safeguards, or the equivalent thereof, to Bell Operating Company (BOC) interLATA reverse directory and E911 services is necessary for the protection of competition and the public interest.

BellSouth, in particular, has been violating, and will continue to violate, its obligations to provide nondiscriminatory access to its directory assistance database. This is precisely

¹ Pleading Cycle Established for Comments on Supplemental Showings in Connection with Pending Ameritech, Bell Atlantic, BellSouth, Nynex, and U S West Petitions for Forbearance from Application of Section 272 of the Act to Previously Authorized Services, CC Docket No. 96-149, DA 97-1403 (released July 3, 1997).

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the type of conduct that the Section 272 safeguards, particularly the nondiscrimination requirements of Section 272(c)(1) and (e), were intended to prevent, and, given the continuing nature of BellSouth's behavior, full application of those provisions is the only way to stop it.

Moreover, nothing in BellSouth's supplemental filing or any of the other supplemental filings in any way alters or undermines MCI's arguments as to its need for nondiscriminatory access to directory assistance database listings or the emergency numbers in the BOCs' E911 databases. The supplemental showings focus on the separation requirements of Section 272, but do not explain why forbearance from the nondiscrimination requirements is necessary or appropriate for either BOC interLATA reverse directory or BOC interLATA E911 services. The requests for forbearance should therefore be denied as to the nondiscrimination requirements of Section 272.

Introduction

In their supplemental filings, the above-captioned BOCs elaborate on their previous requests for forbearance from the application of the requirements of Section 272 to their E911 services, and BellSouth elaborates on its previous forbearance request as to its reverse directory assistance services.² Although more detail about the services is provided, there does

² Ameritech also seeks forbearance as to its Telecommunications Relay Services (TRS).

not appear to be anything in the supplemental submissions that in any way affects MCI's analysis in its previous comments, which are appended hereto as Attachments A-C and incorporated herein.³

As MCI previously explained in Attachments A-C, the crucial safeguards in Section 272 relevant to these requests are the nondiscrimination requirements in Section 272(c)(1) and (e). Although the supplemental filings dwell on the need to forbear from the application of the separation requirements of Section 272(b) to the services at issue and the public interest in the efficiencies of unseparated provision of such services, they say very little about the nondiscrimination requirements. They certainly do not suggest any reason to dispense with the nondiscrimination requirements.

As MCI previously explained, it is extremely doubtful that forbearance from the nondiscrimination provisions of Section 272, or, for that matter, any nondiscrimination requirements, would ever be appropriate for a dominant carrier in any conceivable circumstances. One of the requirements for the granting of a request for forbearance from the application of a provision of the Communications Act is that "enforcement of such ... provision is not necessary to ensure that the ... practices ... by [a] ... carrier ... are not unjustly or unreasonably discriminatory." 47

³ Opposition of MCI Telecommunications Corporation to BellSouth Petition for Forbearance (March 6, 1997), appended as Attachment A; Comments of MCI Telecommunications Corporation on Petitions for Forbearance (June 4, 1997), appended as Attachment B; Comments of MCI Telecommunications Corporation on Petitions for Forbearance (April 21, 1997), appended as Attachment C.

U.S.C. § 160(a)(1). Since the marketplace cannot be relied upon to prevent unjust or unreasonable discrimination by a dominant carrier, and, particularly, a carrier controlling the local exchange network, it is virtually inconceivable that there would ever be a situation in which enforcement of a nondiscrimination requirement would not be "necessary to ensure that" a BOC's practices "are not unjustly or unreasonably discriminatory." Because of this inherent contradiction in granting forbearance from the application of any nondiscrimination requirements to a BOC, all of the BOCs' petitions start with a heavy burden to overcome, at least as to the requirements of Section 272(c)(1) and (e). The BOCs have done nothing in their supplemental filings to meet that burden.

In Attachment A, MCI also explained its need for nondiscriminatory access to the BOCs' directory databases, including BellSouth's, for its own reverse directory assistance services and BellSouth's refusal to include in the database it makes available to MCI any listings for subscribers of local exchange carriers (LECs) other than BellSouth, even though BellSouth also uses such LEC listings in providing its own manual and electronic reverse directory assistance services. In Attachment B, MCI also explained its need for access to the emergency numbers in the BOCs' E911 databases in order to fulfill its own legally mandated emergency operator service obligations as well as its need to be able to upload its customer records into E911 databases for purposes of delivering E911 calls.

Accordingly, MCI explained in Attachments A-C that BellSouth's discriminatory use of, and failure to make available, directory data and MCI's need for access to emergency numbers requires denial of the petitions as to the nondiscrimination requirements of Section 272. The competitive impact of the denial of access to other LECs' directory listings is especially severe in the case of BellSouth, since its databases contain listings for so many customers of other LECs. It will therefore be impossible to offer a competitive reverse directory assistance product without access to those listings. Thus, MCI is injured competitively by BellSouth's refusal to make available all of the listings BellSouth uses for its reverse directory services, and it will not be able to meet its emergency service obligations if it does not have access to the emergency numbers in the BOCs' E911 databases.

The Supplemental Filings Do Not Address
MCI's Discrimination Concerns

The BOCs' supplemental filings do not, for the most part, address MCI's needs for nondiscriminatory access to directory database listings and emergency numbers. The supplemental filings provide more detail about the BOCs' services and argue at great length about the need for forbearance from the separation requirements, but they are largely silent as to the nondiscrimination requirements of Section 272.

The main exception is BellSouth's supplemental filing, which characterizes MCI's concerns as to BellSouth's discriminatory

conduct as a "red herring and misdirection ploy." BellSouth repeats its previous arguments that MCI's need for directory database listings of other LECs has nothing to do with whether BellSouth's provision of its manual and electronic reverse directory assistance services should be subject to the requirements of Section 272. MCI's claim of right to other LECs' database listings "stands on its own," according to BellSouth, and has no logical connection with BellSouth's provision of reverse directory assistance on an unseparated basis, free of the requirements of Section 272.⁴ BellSouth argues that MCI should pursue such rights against those LECs, rather than in this proceeding, and that if MCI is not otherwise able to secure access to other LECs' database listings, there is no reason to compel BellSouth to provide such access.

MCI's claim of right to nondiscriminatory access to the entire database that BellSouth uses for its interLATA reverse directory services, however, is inherently intertwined with BellSouth's request to provide those services free of the nondiscrimination requirements of Section 272. It does not matter for purposes of this proceeding where or how BellSouth obtained the listings in its database. If BellSouth wants to use certain database listings for its interLATA reverse directory services, Section 272(c) and (e) require that other IXC's also have equal access to those listings, whatever the source of those

⁴ Letter from David G. Frolio, BellSouth, to Carol Matthey, FCC, dated June 30, 1997, at 6-7.

listings might be. If, for some reason, BellSouth cannot or will not make certain listings available, BellSouth may not use them for its own interLATA services.

Thus, BellSouth is fundamentally wrong about the nature of MCI's claim of right in this proceeding. MCI is not pressing its right under Section 251 and other provisions to access to LEC database listings here; rather, it is simply requesting nondiscrimination. That is a claim that only arises in connection with BellSouth's provision of interLATA services and its request for forbearance from the application of Section 272 to such services.

Moreover, BellSouth obviously obtains access to contiguous LECs' directory assistance database listings only because of its monopoly position in the provision of local exchange services in its region-wide service area. Its use of LEC listings for its own reverse directory service while denying MCI and other IXCs access to such listings thus exploits a monopoly-derived advantage to frustrate competition in the provision of interLATA reverse directory services. The exploitation, in the BOCs' provision of certain types of interLATA services, of advantages derived from the BOCs' local exchange monopolies is precisely the anticompetitive threat that Section 272 was intended to prevent.

BellSouth also expresses concerns about the other uses to which MCI may put the database listings from other LECs in the event it does obtain access to them.⁵ MCI will only use

⁵ Frolio letter at 13 n.34, 15.

directory database listings for directory assistance-related services. MCI is not in a position to be any more specific about its directory assistance product plans at this point, but its use of the LECs' listings will be entirely appropriate.

Nynex makes a brief point addressed to discrimination in connection with its E911 services. It states that it will not discriminate in the provision of E911 service, since nondiscriminatory access to E911 is a checklist item for Section 271 authorization for entry into in-region interLATA services.⁶ That does not meet MCI's concerns, however. MCI needs access to the emergency numbers in the BOCs' E911 databases so that it can provide emergency operator services. Access to E911 service itself is not the issue. Also, MCI should not have to wait for BOC entry into long distance services in order to obtain nondiscriminatory access to the emergency numbers that the BOCs are using now in their provision of E911 services.

Conclusion

Accordingly, the BOCs' supplemental filings do not alter the posture of their previous forbearance requests. They have not borne their burden of showing why the nondiscrimination requirements of Section 272 should not be applied to their interLATA reverse directory and E911 services. As MCI pointed out in Attachment B, the BOCs have argued that the

⁶ Letter from Campbell L. Ayling, Nynex, to William F. Caton, FCC, dated June 30, 1997, at 7.

nondiscrimination requirements of Section 272 are framed largely in terms of equality between a BOC's separated affiliate and other entities and thus cannot be literally applied to the unseparated provision of interLATA services.⁷ Thus, it would theoretically be necessary to require separation of the reverse directory and E911 services from the BOCs' local exchange services simply in order to apply the nondiscrimination requirements of Section 272.

MCI would agree, however, that application of the separation requirements, per se, is not necessary except in aid of the nondiscrimination requirements. If the Commission wants to avoid imposing the separation requirements, it is crucial that nondiscrimination requirements at least equivalent to those in Sections 272(c)(1) and (e) be imposed on the BOCs' provision of reverse directory and E911 services. Accordingly, BellSouth's petition should only be granted on condition that it make available to MCI and all other carriers all listings in its directory database or that BellSouth not be permitted to use, for its reverse directory services, any such listings that are not provided to all other carriers. Similarly, all of the BOCs' petitions as to E911 services should be granted only on condition that they make available to MCI and all other carriers obligated to provide emergency operator services access to emergency

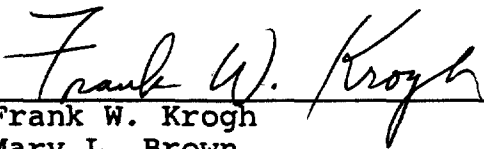
⁷ See Reply Comments of US West, Inc. at 3, Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended, CC Docket No. 96-149 (filed March 17, 1997).

response agency telephone numbers to support such legally mandated services.

Respectfully submitted,

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Dated: July 22, 1997

ATTACHMENT A

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
BellSouth Petition for Forbearance) CC Docket No. 96-149
from Application of Section 272 of the)
Communications Act of 1934, as Amended,)
to Previously Authorized Services)

OPPOSITION OF MCI TELECOMMUNICATIONS CORPORATION
TO BELLSOUTH PETITION FOR FORBEARANCE

MCI TELECOMMUNICATIONS CORPORATION

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Dated: March 6, 1997

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SUMMARY

MCI opposes BellSouth's request for forbearance from the application of Section 272 of the Communications Act to its reverse directory and E911 services. In the first place, forbearance from the application of any nondiscrimination provision to a dominant carrier would never be appropriate, since a prerequisite for forbearance is that enforcement of the provision sought to be forborne is not necessary to prevent discrimination. Given that the marketplace cannot be relied on to prevent unreasonable discrimination by a carrier with market power, enforcement of all nondiscrimination provisions as to dominant carriers is always necessary. Thus, forbearance as to the nondiscrimination provisions of Section 272(c)(1) and (e) must be denied.

Moreover, BellSouth refuses to include, in the directory databases it makes available to MCI, any listings for subscribers of other LECs, even though it uses such listings for its own directory assistance and reverse directory services. Such discriminatory denial of access to directory listings violates Sections 201(b) and 251 of the Communications Act. Directory assistance is a network element that an incumbent LEC must make available on an unbundled basis upon request under Section 251(c)(3), and such provision must be equal in quality to what an incumbent LEC provides itself. Moreover, Section 251(b)(3) requires a LEC to share subscriber listing information,

"consistent with what the LEC provides in its own directory," with its competitors in a timely fashion upon request. There are no exceptions for subscribers of other LECs.

BellSouth's discriminatory and illegal denial of access to other LECs' subscriber listings is extremely anticompetitive. In Florida alone, there are over 3 million subscribers of other LECs whose listings are included in BellSouth's directory database. Denial of access to millions of listings that BellSouth uses for its own directory assistance and reverse directory services makes it impossible to compete effectively with those services. Because of the tremendous competitive harm caused by such denial, the precedents cited by BellSouth, which relied on the absence of competitive harm resulting from the unseparated provision of its reverse directory services, are inapplicable.

Accordingly, the vital need for nondiscriminatory access to BellSouth's entire directory database requires the application of the nondiscrimination provisions of Section 272(c)(1) and (e) to BellSouth's directory assistance and reverse directory services. Forbearance as to those provisions is impossible. Moreover, since the nondiscrimination provisions of Section 272 apply only to separate affiliates established under Section 272(a) and (b), the full application of both the separation and nondiscrimination provisions of Section 272 is necessary to prevent BellSouth's anticompetitive ongoing denial of access to millions of listings in its directory database. Thus, BellSouth's request for forbearance should be denied in its entirety.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
BellSouth Petition for Forbearance)	
from Application of Section 272 of the)	CC Docket No. 96-149
Communications Act of 1934, as Amended,)	
to Previously Authorized Services)	

OPPOSITION OF MCI TELECOMMUNICATIONS CORPORATION
TO BELL SOUTH PETITION FOR FORBEARANCE

Pursuant to the Public Notice released in this docket on February 14, 1997,¹ MCI Telecommunications Corporation (MCI), by its undersigned attorneys, hereby opposes the BellSouth Petition for Forbearance filed in this docket. As explained below, application of the Section 272 separation and nondiscrimination safeguards to BellSouth's reverse directory and E911 services is necessary for the protection of competition and the public interest.

BellSouth has been violating, and will continue to violate, its obligations to provide nondiscriminatory access to its directory assistance database. This precisely the type of conduct that the Section 272 safeguards, particularly the nondiscrimination requirements of Section 272(c)(1) and (e), were intended to prevent, and, given the continuing nature of BellSouth's behavior, full application of those provisions is apparently the only way to stop it. Forbearance from the

¹ Pleading Cycle Established for Comments on BellSouth's Petition for Forbearance from Application of Section 272 of the Communications Act of 1934, as Amended, to Previously Authorized Services, CC Docket No. 96-149, DA 97-346 (released Feb. 14, 1997).

application of Section 272 to BellSouth's reverse directory and E911 services therefore would be anticompetitive and should be denied.

Introduction

As BellSouth acknowledges in its petition for forbearance under Section 10 of the Communications Act, 47 U.S.C. § 160, previously authorized interLATA information services, such as its reverse directory and E911 services, are subject to the separation and nondiscrimination requirements of Section 272. Reverse directory service provides customer names and addresses in response to a telephone number. It is offered both in conjunction with traditional voice-based directory assistance service and as an on-line capability in conjunction with electronic white pages service (EWP). Both are information services and may use interLATA transport provided by BellSouth. BellSouth originally obtained authorization to provide reverse directory services pursuant to an order of the MFJ Court, which made no distinction based on whether the service was to be voice-based or on-line.² In both cases, the reverse directory service uses the same centralized database as the corresponding directory service.³

Section 10 requires the Commission to forbear from applying any provision of the Act if it determines that: enforcement of

² See United States v. Western Electric, No. 82-0192 (D.D.C. June 2, 1989).

³ See BellSouth Pet. at 2-5.

such provision is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in conjunction with a carrier or service are just and reasonable and not unreasonably discriminatory; enforcement of such provision is not necessary for the protection of consumers; and forbearance is consistent with the public interest. 47 U.S.C. § 160(a).

BellSouth asserts that integration of both forms of its reverse directory service with its standard directory service has already been found, in the MFJ Court's prior authorization and in a more recent CEI waiver,⁴ to be in the public interest and otherwise meets the criteria of Section 10. BellSouth argues that these services have been provided with no adverse effects on consumers or other parties and that there is no reason for the application of the Section 272 requirements to these services at this point. Indeed, BellSouth continues, application of the Section 272 separation requirements to these services may cause BellSouth to cease providing them, to the detriment of consumers. BellSouth concludes that forbearance from the requirements of Section 272 is therefore required. BellSouth presents a similar analysis with respect to its E911 service.⁵

MCI has a vital interest in the Bell Operating Companies' (BOCs') directory databases, including BellSouth's, for its own

⁴ See BellSouth Petition for Waiver of Computer III Rules for Reverse Search Capability, CC Docket No. 90-623, DA 96-674 (released April 29, 1996), recon., DA 96-1069 (released July 3, 1996) (Waiver Order).

⁵ See BellSouth Pet. at 5-8.

directory assistance services and other purposes and, pursuant to its rights under Sections 251 and 252 to dialing parity and unbundled network elements, has negotiated agreements with the BOCs for access to those databases. In these negotiations, BellSouth has refused to include in the database it makes available to MCI any listings for subscribers of local exchange carriers (LECs) other than BellSouth. BellSouth asserts that these other LECs have not authorized BellSouth to provide their subscriber listings to third parties. Nevertheless, BellSouth includes information for subscribers of LECs serving areas within BellSouth's territory in the database it uses in providing its own directory assistance and EWP services. Since the same databases that are used for directory assistance and EWP services are also used for both forms of the reverse directory service, the latter obviously also includes listings for such non-BellSouth customers. Thus, BellSouth is using data for its directory assistance and reverse directory services that it refuses to make available to MCI and, presumably, other interexchange carriers (IXCs).

BellSouth's Petition Must be Denied

As a preliminary matter, it is extremely doubtful that forbearance from the nondiscrimination provisions of Section 272, or, for that matter, any nondiscrimination requirements, would ever be appropriate for a dominant carrier in any conceivable circumstances. As pointed out above, one of the requirements for the granting of a request for forbearance from the application of

a provision of the Communications Act is that "enforcement of such ... provision is not necessary to ensure that the ... practices ... by [a] ... carrier ... are not unjustly or unreasonably discriminatory." 47 U.S.C. § 160(a)(1). Since the marketplace cannot be relied upon to prevent unjust or unreasonable discrimination by a dominant carrier, and, particularly, a carrier controlling the local exchange network, it is inconceivable that there would ever be a situation in which enforcement of a nondiscrimination requirement would not be "necessary to ensure that" a BOC's practices "are not unjustly or unreasonably discriminatory." Because of this inherent contradiction in granting forbearance from the application of any nondiscrimination requirements to a BOC, BellSouth's petition must be denied, at least as to the requirements of Section 272(c)(1) and (e).

Moreover, BellSouth's discriminatory use of, and failure to make available, directory data requires denial of the petition as to those requirements in any event. Indeed, such conduct violates so many provisions of the Communications Act that BellSouth would need forbearance from all of Title 47 of the United States Code to be able to continue lawfully. First, BellSouth possesses such a complete directory database only because of its position as the monopoly local service provider throughout its vast service area. Its use of that database for its own directory and reverse directory services, while denying a portion of that database to other entities, is an unreasonable

practice under Section 201(b) of the Act.

Second, such use by BellSouth and denial to others also violates Sections 251 and 252 of the Act. The First Interconnection Order⁶ held that directory assistance is a network element that an incumbent LEC must make available on an unbundled basis upon request to a telecommunications carrier under Section 251(c)(3).⁷ Moreover, incumbent LECs are required "to provide access and unbundled elements that are at least equal-in-quality to what the incumbent LECs provide themselves...."⁸

The Second Interconnection Order⁹ held that the dialing parity provisions of Section 251(b)(3) "require[] LECs to share subscriber listing information with their competitors, in 'readily accessible' tape or electronic formats, and that such

⁶ First Report and Order, Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98, Interconnection between Local Exchange Carriers and Commercial Mobile Radio Service Providers, CC Docket No. 95-185, FCC 96-235 (released Aug. 8, 1996).

⁷ Id. at ¶ 538.

⁸ Id. at ¶ 313. The Commission "allow[ed] for an exception to this requirement only where it is technically infeasible to meet." Id. BellSouth has not suggested any such problem with respect to the provision of any customer listings in its directory database.

⁹ Second Report and Order and Memorandum Opinion and Order, Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98, Interconnection between Local Exchange Carriers and Commercial Mobile Radio Service Providers, CC Docket No. 95-185, FCC 96-333 (released Aug. 8, 1996).

data be provided in a timely fashion upon request."¹⁰

We agree with MCI that "by requiring the exchange of directory listings, the Commission will foster competition in the directory services market and foster new and enhanced services in the voice and electronic directory services market."... [W]e require the LEC providing the listing to share listings in a format that is consistent with what that LEC provides in its own directory.

....

We further find that a highly effective way to accomplish nondiscriminatory access to directory assistance, apart from resale, is to allow competing providers to obtain read-only access to the directory assistance databases of the LEC providing access.¹¹

Thus, an incumbent LEC must provide competing providers "nondiscriminatory access to ... directory assistance databases" "consistent with what that LEC provides in its own directory." In other words, an incumbent LEC must provide competing providers of directory assistance and reverse directory services with all listings used by the LEC for its own directory assistance and reverse directory services. There are no exceptions for listings of customers of other LECs that are made available to, and used by, a LEC that is requested to provide access to a competitive provider. Any other approach would stifle, rather than "foster[,] competition in the directory services market and ... new and enhanced services in the voice and electronic directory

¹⁰ Id. at ¶ 141.

¹¹ Id. at ¶¶ 141, 143. The Commission also noted in the Second Interconnection Order that "[t]he obligation of incumbent LECs to provide operator services and directory assistance as unbundled elements is in addition to the duties of all LECs ... under section 251(b)(3) and the rules we adopt herein." Id. at ¶ 118.

services market.'"

The competitive impact of the denial of access to other LECs' directory listings is especially severe in the case of BellSouth, since its databases contain listings for so many customers of other LECs. For example, in Florida alone, over 3,000,000 subscriber lines are served by independent LECs and are included in BellSouth's directory database. It will therefore be impossible to offer a competitive directory assistance or reverse directory assistance product without access to those listings. Such a truncated directory database is certainly not "consistent with what [BellSouth] provides in its own directory" and is not "equal in quality to what [BellSouth] provide[s] [itself]."

BellSouth's assertion that it is not able to secure the approval of other LECs to make their subscriber listings available to other providers cannot nullify the requirements of Section 251. BellSouth and all of the LECs whose listings are included in BellSouth's database must adhere to the requirements of the Communications Act. BellSouth and other LECs thus may not enter into "agreements" that override the Act. Finally, even if BellSouth could not make certain directory listings available to competing providers, then it would have to be prohibited from using those listings for its own directory assistance services, and certainly for its reverse directory services.

The requirements of Sections 201(b) and 251 are underscored by the precedents cited by BellSouth in its petition. According to BellSouth, the rationale for the MFJ Court's authorization was

that no other independent company had indicated a willingness or ability to provide reverse directory service and that, absent the requested authorization, the service likely would not be provided at all. Moreover, no other party would be injured by grant of the requested relief.¹² Here, of course, the situation is just the opposite; MCI provides interstate and intrastate interLATA directory assistance and reverse directory assistance services and intends to provide local "411" and local reverse directory services. Thus, MCI is injured competitively by BellSouth's refusal to make available all of the listings BellSouth uses for its directory services.

Similarly, BellSouth's CEI waiver for its on-line reverse directory service, also cited in its petition, was based on the Commission's finding that compliance with the CEI requirements "is not necessary to allow competing providers to offer this service."¹³ Here, by contrast, nondiscriminatory access to BellSouth's directory database is absolutely necessary for competing providers like MCI, as explained above.¹⁴

Thus, the MFJ Court's and this Commission's public interest findings upon which BellSouth relies require the opposite finding

¹² BellSouth Pet. at 6.

¹³ Waiver Order at ¶ 25.

¹⁴ Finally, BellSouth cites a filing by the Department of Justice (DOJ) with the MFJ Court in which DOJ stated that the interLATA transmission of E911 service was within the terms of prior MFJ waivers and that BOC provision of E911 service presents no threat to competition among IXCs. See BellSouth Pet. at 8 & n.20.

here -- namely, that BellSouth's reverse directory and E911 services be fully subject to the Section 272 safeguards, particularly the nondiscrimination provisions of Section 272(c)(1) and (e). The rationale of those orders was that integrated provision of directory and reverse directory assistance services enables BellSouth to offer services that would not be offered otherwise and that competition would not be injured thereby. Here, since MCI needs access to all of the listings used by BellSouth for its directory and reverse directory services in order to compete with those offerings, competition and the public interest are injured by the integrated provision of those services by BellSouth under BellSouth's current practices.

The most essential competitive safeguard in this situation - - and the one that is most egregiously violated here -- is nondiscriminatory access to BellSouth's directory database. Thus, the nondiscrimination provisions of Section 272 must be applied fully to BellSouth's directory and reverse directory services. Forbearance as to those provisions is out of the question.

Moreover, since the nondiscrimination provisions of Section 272 apply only to separate affiliates established pursuant to Section 272(a) and (b), the full application of both the separation and nondiscrimination requirements of Section 272 is necessary to prevent BellSouth's anticompetitive ongoing denial of access to part of its directory database in violation of